
SENATE BILL 6347

State of Washington

60th Legislature

2008 Regular Session

By Senator Morton

Read first time 01/15/08. Referred to Committee on Transportation.

1 AN ACT Relating to day labor projects for small counties; and
2 amending RCW 36.77.065 and 36.77.070.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 36.77.065 and 2005 c 162 s 1 are each amended to read
5 as follows:

6 The board may cause any county road to be constructed or improved
7 by day labor as provided in this section.

8 (1) As used in this section, "county road construction budget"
9 means the aggregate total of those costs as defined by the budgeting,
10 accounting, and reporting system for counties and cities and other
11 local governments authorized under RCW 43.09.200 and 43.09.230 as
12 prescribed in the state auditor's budget, accounting, and reporting
13 manual's (BARS) road and street construction accounts: PROVIDED, That
14 such costs shall not include those costs assigned to the right-of-way
15 account, ancillary operations account, and that portion of the
16 engineering account that is preliminary engineering in the budget,
17 accounting, and reporting manual.

18 (2) For counties with a population that equals or exceeds fifty

1 thousand people, the total amount of day labor construction programs
2 one county may perform annually shall total no more than the amounts
3 determined in the following manner:

4 (a) Any county with a total annual county road construction budget
5 of four million dollars or more may accumulate a day labor road
6 construction budget equal to no more than eight hundred thousand
7 dollars or fifteen percent of the county's total annual county road
8 construction budget, whichever is greater.

9 (b) Any county with a total annual county road construction budget
10 of one million five hundred thousand dollars or more and less than four
11 million dollars may accumulate a day labor road construction budget
12 equal to not more than five hundred twenty-five thousand dollars or
13 twenty percent of the county's total annual county road construction
14 budget, whichever is greater.

15 (c) Any county with a total annual county road construction budget
16 of five hundred thousand dollars or more and less than one million five
17 hundred thousand dollars may accumulate a day labor road construction
18 budget equal to two hundred fifty thousand dollars or thirty-five
19 percent of the county's total annual county road construction budget,
20 whichever is greater.

21 (d) Any county with a total annual county road construction budget
22 less than five hundred thousand dollars may accumulate a day labor road
23 construction budget equal to two hundred fifty thousand dollars:
24 PROVIDED, That any county with a total annual road construction budget
25 of less than five hundred thousand dollars may, by resolution of the
26 board at the time the county road construction budget is adopted, elect
27 to construct or improve county roads by day labor in an amount not to
28 exceed thirty-five thousand dollars on any one project, including
29 labor, equipment, and materials; such election to be in lieu of the two
30 hundred fifty thousand dollar limit provided for in this section,
31 except that any project means a complete project and the division of
32 any project into units of work or classes of work so as to permit
33 construction by day labor is not authorized.

34 (3) For counties with a population of less than fifty thousand but
35 more than twenty-two thousand people, the total amount of day labor
36 construction programs one county may perform annually may total no more
37 than the amounts determined in the following manner:

1 (a) A county with a total annual county road construction budget of
2 four million dollars or more may accumulate a day labor road
3 construction budget equal to not more than eight hundred eighty
4 thousand dollars or twenty-five percent of the county's total annual
5 county road construction budget, whichever is greater;

6 (b) A county with a total annual county road construction budget of
7 one million five hundred thousand dollars or more and less than four
8 million dollars may accumulate a day labor road construction budget
9 equal to not more than five hundred seventy-seven thousand dollars or
10 thirty percent of the county's total annual county road construction
11 budget, whichever is greater;

12 (c) A county with a total annual county road construction budget of
13 five hundred thousand dollars or more and less than one million five
14 hundred thousand dollars may accumulate a day labor road construction
15 budget equal to two hundred seventy-five thousand dollars or forty-five
16 percent of the county's total annual county road construction budget,
17 whichever is greater;

18 (d) A county with a total annual county road construction budget
19 less than five hundred thousand dollars may accumulate a day labor road
20 construction budget equal to two hundred seventy-five thousand dollars.
21 However, such a county may, by resolution of the board at the time the
22 county road construction budget is adopted, elect instead to construct
23 or improve county roads by day labor in an amount not to exceed thirty-
24 eight thousand five hundred dollars on any one project, including
25 labor((~~7~~)) and equipment(~~((~~7~~ and materials))~~). That election is in lieu
26 of the two hundred seventy-five thousand dollar limit provided for in
27 this section. As used in this section, "any project" means a complete
28 project, and a county may not divide a project into units of work or
29 classes of work so as to permit construction by day labor.

30 (4) This section does not apply to counties with a population equal
31 to or less than twenty-two thousand.

32 (5) Any county that adopts a county road construction budget
33 unreasonably exceeding that county's actual road construction
34 expenditures for the same budget year which has the effect of
35 permitting the county to exceed the day labor amounts established in
36 this section is in violation of the county road administration board's
37 standards of good practice under RCW 36.78.020 and is in violation of
38 this section. Any county, whose expenditure for day labor for road

1 construction projects unreasonably exceeds the limits specified in this
2 section, is in violation of the county road administration board's
3 standards of good practice under RCW 36.78.020 and is in violation of
4 this section.

5 ~~((+5))~~ (6) Notwithstanding any other provision in this section,
6 whenever the construction work or improvement is the installation of
7 electrical traffic control devices, highway illumination equipment,
8 electrical equipment, wires, or equipment to convey electrical current,
9 in an amount exceeding ten thousand dollars for any one project
10 including labor, equipment, and materials, such work shall be performed
11 by contract as in this chapter provided. This section means a complete
12 project and does not permit the construction of any project by day
13 labor by division of the project into units of work or classes of work.

14 (7) When calculating the day labor road construction budget under
15 this section, the cost of materials shall be excluded.

16 **Sec. 2.** RCW 36.77.070 and 1983 c 3 s 81 are each amended to read
17 as follows:

18 If the board determines that any construction should be performed
19 by day labor, and the estimated cost of the work exceeds twenty-five
20 hundred dollars, it shall cause to be published in one issue of a
21 newspaper of general circulation in the county, a brief description of
22 the work to be done and the county road engineer's estimate of the cost
23 thereof. At the completion of such construction, the board shall cause
24 to be published in one issue of such a newspaper a similar brief
25 description of the work together with an accurate statement of the true
26 and complete cost of performing such construction by day labor.

27 Failure to make the required publication shall subject each county
28 commissioner to a fine of one hundred dollars for which he shall be
29 liable individually and upon his official bond and the prosecuting
30 attorney shall prosecute for violation of the provisions of this
31 section and RCW 36.77.065.

32 This section does not apply to counties with a population equal to
33 or less than twenty-two thousand.

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